

## REMARKS

Claims 1-22, 24-27 are now pending in the application. Claim 22 has been cancelled with this amendment. Claims 1, 3, 17, 19, 20, 24 and 27 have been amended. The amendments to the claims are believed to be wholly supported within the specification and claims as originally filed. More specifically, the amendments to claims 1, 3, 17, 19, 20 and 27 are believed to be supported in the specification at page 9, lines 1-3 and in the specification at page 8, line 6 - page 13, line 24. Support for the amendment to claim 24 is found at page 7, lines 1-3 and page 8, line 6 - page 10, line 18.

In the previous Office Action, claims 1-27 stood rejected under 35 USC §103 as being obvious over Zakarian et al (U.S. 5,888,946) in combination with Smalheer et al. The rejection states that Zakarian et al disclose multi-application lubricants which have a first mineral oil having a kinematic viscosity at 100°C of at least about 4.0 centistokes and a viscosity index of 121, and a second mineral oil having a kinematic viscosity at 100°C of at least about 7.0 centistokes and a viscosity index of 144. The rejection notes that the base oils of Zakarian et al are also referred to as UCBO or unconventional base oils. The Examiner has taken the position that the base oils of Zakarian et al clearly meet the lubricant base oil limitations of the present claims. The rejection admits that Zakarian et al allows for the addition of polymers such as polymethacrylate polymers to the fluid composition.

Zakarian et al teach a tractor hydraulic fluid which contains a first and second mineral oil having specific characteristics. Zakarian et al also teach the presence of a first and a second polymethacrylate viscosity improver. Zakarian et al teach that the combination of the mineral oils together with the viscosity improvers provide a multi-application lubricant which has both Summer and Winter wide range temperature usage.

Applicant has amended their claims to indicate that the claims include a polymer selected from a polyalkene or derivative thereof, an ethylene-alpha olefin copolymer, an ethylene-propylene polymer, an alpha olefin-unsaturated carboxylic reagent copolymer, a hydrogenated interpolymer of an ethylene arene and a conjugated diene and mixtures thereof. In one case, Applicant has directed their claims to a polymer selected from a polyalkene or derivative thereof, an ethylene-alpha olefin copolymer, an ethylene-

propylene polymer, an alpha olefin-unsaturated carboxylic reagent copolymer and mixtures thereof.

Zakarian et al require the presence of 2 polymethacrylate viscosity improvers. Zakarian et al do not teach or suggest the use of the polymers specifically claimed by Applicant. Accordingly, Applicant submits that Zakarian et al do not render the claims obvious because there is no teaching or suggestion within Zakarian et al to the use of polymers as presently claimed.

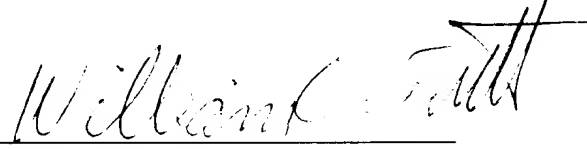
The rejection has cited Smalheer et al for the purpose of teaching conventional lubricant additives. There is no reason of record that would lead one of ordinary skill in the art to combine Smalheer et al with Zakarian et al and arrive at the presently claimed compositions. Accordingly, Applicant submits that the combination of Zakarian et al with Smalheer et al do not render the claims obvious. Therefore, Applicant requests withdrawal of the rejection and allowance of the claims.

In the event any issues remain in the prosecution of this application, Applicant requests that the Examiner call the undersigned attorney to expedite allowance of the claims. If any fees are required for the filing of these papers, Applicant requests the Commissioner to charge those fees to Deposit Account #18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By

  
William C. Tritt  
Reg. No. 32,510

1621 Euclid Avenue  
Nineteenth Floor  
Cleveland, Ohio 44115  
(216) 621-1113